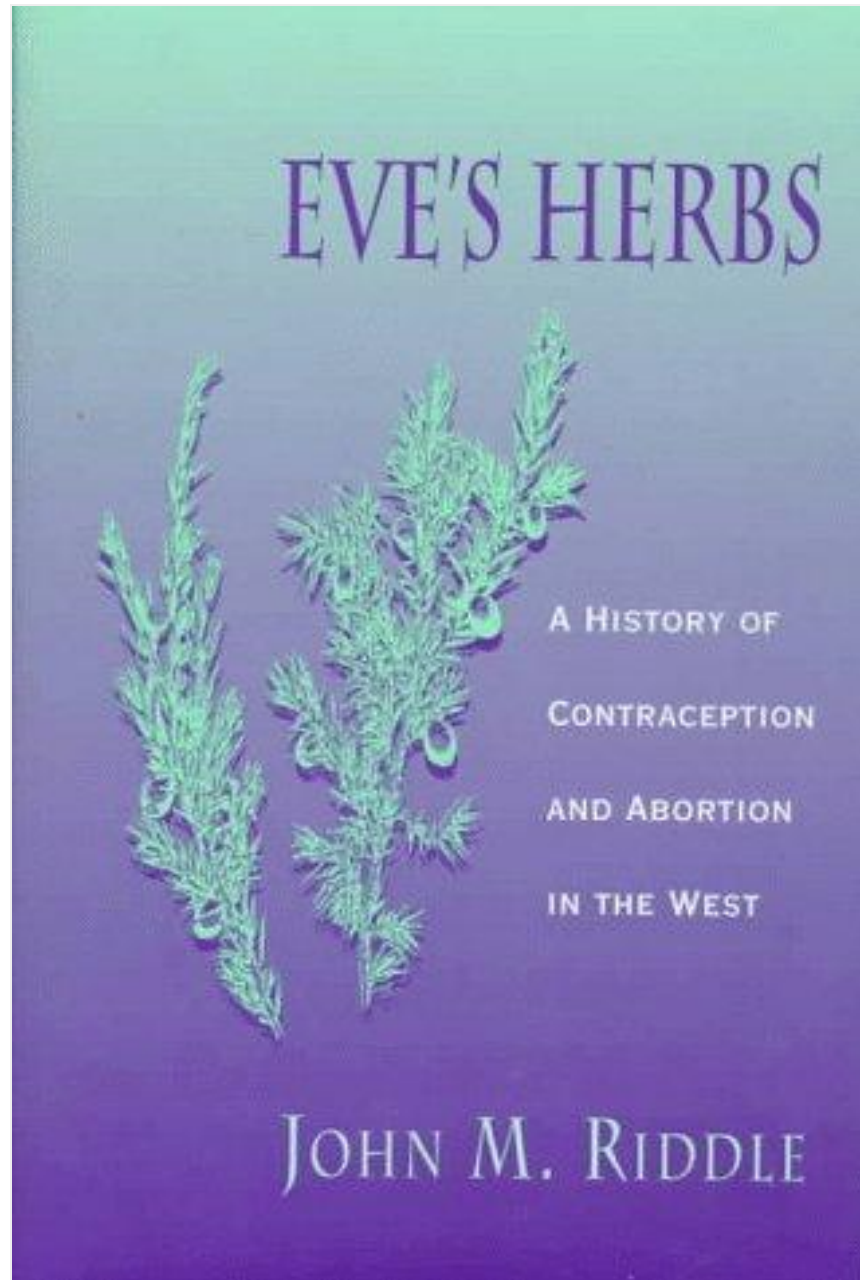


Law School exam question: Do pregnant women in America have an unalienable right to abortion before their fetus quickens?





Ok, younguns, as you know, I live in Birmingham, Alabama, where your mommas were born.

Last year, in a 7-2 ruling, the all-Republican Alabama Supreme Court, citing Bible verses and an 1872 state law called the Wrongful Death of a Minor Act, declared parents may sue for wrongful death of a frozen fertilized human embryo.

That case arose when frozen embryos for in vitro fertilization (IVF) were destroyed in a cryogenic nursery by a patient who wandered into the nursery and accidentally dropped several frozen fertilized embryos on the floor.

CNN reported this morning that Donald Trump said abortion should be left up to the states to decide. Trump previously had boasted that his Republican stacked U.S. Supreme Court overturned *Roe v. Wade* and ended abortion rights in America.

In a 7-2 decision, the U.S. Supreme Court had held in *Roe v. Wade* that the due process clause of Amendment 14 to the United States Constitution provided a fundamental "right to privacy", which protected a pregnant woman's right to an abortion.

AMENDMENT XIV

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The *Roe* Court said the right to abortion was not absolute and must be balanced against the government's interests in protecting women's health and prenatal life. The Court resolved these competing interests by announcing a pregnancy trimester timetable to govern all abortion regulations in the United States. From the end of the second trimester, which the Court identified as the starting point of viability, a state could regulate or prohibit abortions in order to protect the pregnant person's health or to preserve fetal viability. In no case, however, could the state criminalize abortions that were necessary to protect the life or health of the pregnant person.

On June 24, 2022, in *Dobbs v. Jackson Women's Health Organization*, the U.S. Supreme Court, made up of 6 conservative Christian Republican justices, 3 of whom President Trump had appointed, voted 5-4 to overturn *Roe v. Wade*, and return to individual states the power to regulate any aspect of abortion not protected by federal statutory law. The chief justice and the three Democrat justices dissented.

Here's a link to the that decision, which will take you a while to read:

<https://www.washingtonpost.com/politics/interactive/2022/roe-wade-decision-pdf/?document=undefined>

I read the syllabus part of it, and then I read enough of the opinion to figure out what was going on.

The Dobbs majority opinion says that for a long time in the common law of England, which early settlers brought with them to America, abortion was illegal after a fetus quickened in its mother's womb, meaning the pregnant woman felt the fetus in her move or kick.

In America, states passed laws making abortion illegal after a fetus quickened.

As time passed, states passed laws making abortion illegal at any time illegal.

Now why did those states do that? For the same reason the majority in *Dobbs v. Jackson* overruled *Roe v. Wade*.

I wish I could hire a polygraph operator to ask the 5 U.S. Supreme Court justices under oath if they overturned *Roe v. Wade* because of their religious beliefs.

Meanwhile, the *Dobbs* majority opinion states the obvious: abortion is not mentioned in the U.S. Constitution, nor in any amendment thereto. Thus, abortion is not protected by Amendment 14.

The 6 conservative justices and the 3 liberal justices in *Dobbs v. Jackson* didn't do their fucking homework.

In his book *The American Instructor*, Ben Franklin reported that women used herbs in Colonial America to prevent and end pregnancies.

I did a Google search for Ben Franklin's book and this NPR interview came up:

<https://www.npr.org/2022/05/16/1099244635/for-ben-franklin-abortion-was-basic-arithmetic>

A book by John M. Riddle, CONTRACEPTION AND ABORTION FROM THE ANCIENT WORLD THROUGH THE RENAISSANCE, traced the anthropological history of herbs used by women to prevent and end pregnancy.

A similar, later book by Riddle, EVE'S HERBS: A HISTORY OF CONTRACEPTION AND ABORTION IN THE WEST, was featured in an exhaustive article in The American Historical Society article:archives.

HERBALGRAM.ORG

Eve's Herbs: A History of Contraception and Abortion in the West. -
American Botanical Council

[Eve's Herbs: A History of Contraception and Abortion in the West. -
American Botanical Council](#)

The article's author reported that he and his wife enjoyed drinking pennyroyal tea. She was pregnant. She miscarried. He did research and learned pennyroyal was long used to end pregnancies. He did a lot more research and reported that, too, in his article, which some women told me is fascinating.

The EVE'S HERBS book was available for free via a PDF, until it was taken down because Riddle was receiving death threats.

Here is a link to an Institute for New Economic Thinking interview of Riddle: [Abortion Drugs Fundamental to Ancient Economies, Argues Historian](#)

The American Declaration of Independence says:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

"Unalienable" means it cannot be taken away.

"Among these" means there were other unalienable Rights not named.

The Declaration does not say women had unalienable rights, but if men had unalienable rights, surely women had them, even if men back then did not agree 😏.

Clearly in Ben Franklin's time, American women felt using herbs made by God or Mother Nature (you choose 😏) to regulate their fertility was an unalienable right.

The American Declaration of Independence birthed the United States of America and was the nation's first legal document.

I marvel over the federal and state governments presuming they know better than God or Mother Nature (you pick 😏) what Americans should or should not do with herbs made by God or Mother Nature (you pick 😏).

As a former practicing attorney in Birmingham, Alabama, I have a serious problem with the federal and state governments preventing people from using herbs that grow wild in nature. Since when do such governments have legal jurisdiction over God and Mother Nature?

If I were hired as a trial attorney to challenge federal and/or state restrictions on herbs that cause miscarriages in a court case, I would subpoena the *Dobbs* majority justices and put them on the witness stand, and remind them that they took an oath to tell the truth, the whole truth and nothing but the truth, so help them God.

I would hand them a copy of the Declaration of Independence and ask them to read the Preamble:

In Congress, July 4, 1776

The unanimous Declaration of the thirteen united States of America, When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

I would ask them if the Founding Fathers drew their authority from Nature and Nature's God?

I would ask them if their opposition to abortion is rooted in their religious beliefs?

I would ask them if the Bible is the inerrant word of God, every word in it is true?

I would ask them if they know when the soul attaches to a fetus?

I would ask them if a fetus without a soul is a human being?

I would hand them a Bible and ask them to read Genesis 2:7 to the Court.

And the Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul.

I would ask them who created the heavens and the earth, and all the plants and living beings on the earth?

I would ask them if in the Bible the only herb God told Adam and Eve not to eat was the fruit of the tree of knowledge of good and evil?

I would ask them if God made herbs that would cause miscarriage?

I would ask them if God ever made a mistake?

I would hand them a copy of Amendment I, U.S. Constitution and ask them to read the first line to the court:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I would hand them a copy of Amendment 14, Section 1 and ask them to read it to the court.

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I would ask them if they see anything in Amendment 14, Section 1 saying unborn persons have any of those rights and immunities?

I would tell the judge that Amendment 14, Section 1 does not apply to unborn people, and it bars states from passing laws that are religion-based and restrict women's unalienable right to abortion prior to a fetus quickening in a mother's womb, and for the judge to rule accordingly.

Right, that's never gonna happen.

On this world.

Will they be asked those questions when they stand before St. Peter at the Pearly Gates?

Will they be asked how many unwanted babies they tried to adopt?

Will they be asked how much money they gave to pregnant women who didn't want to give birth, to help those women raise those babies?

Will they be asked if their karma, and for the 5 justices who overturned *Roe v. Wade*, is to come back the next time as a fetus in a pregnant heroin addict, who doesn't want to have her baby, but she can't get a abortion and save her baby from going into heroin withdrawal after it takes the first breath of life?